

REMARKS/ARGUMENTS

Applicants have received the Office Action dated November 20, 2006, in which the Examiner: 1) rejected claims 1-10 and 12-16 under 35 U.S.C. § 102(e) as being anticipated by Murakami et al. (U.S. Pat. No. 6,973,015, hereinafter "Murakami"); and 2) rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Suh et al. (U.S. Pub. No. 2004/0168074, hereinafter "Suh"). With this Response, Applicants have amended claims 1, 5, 15, and 16.

I. REJECTIONS UNDER 35 U.S.C. § 102(e) OVER MURAKAMI

The Examiner alleges that Murakami anticipates claims 1-10 and 12-16. Applicants respectfully disagree, and assert that the Examiner has misread Murakami.

Murakami discloses an optical disk having a recording layer with various different recording areas, such that control data stored in one recording area may prohibit the reproduction of data in another recording area, as a means of preventing unauthorized copying. See, e.g., Murakami, Col. 5, lines 5-28. The different recording areas are shown in radial arrangement out from the mounting hole to the edge of the disk (See, Murakami, Figure 1A).

Additionally, Murakami is directed to preventing reproduction of data stored in the optical disk based on control data recorded to a designated area of the disk, i.e., whether the control data indicates that the content data is inhibited from being outputted from a reproducing apparatus. (See, e.g., Murakami, Figure 10A, Col. 12, line 6- Col. 13, line 47, and claim 1). Murakami simply prevents an unauthorized copy of the disk from being made. Murakami does not disclose using required information stored in the disk in order to prevent a drive from accessing or reading the contents of the disk.

With respect to claim 1, Murakami discloses preventing reproduction of data based on control information stored on the disk, and fails to disclose refusing to read information from a first surface when required information on a second surface cannot be read.

Additionally Murakami fails to disclose that a drive refuses to read information from a first surface of an optical disk when required information on a second surface of the optical disk cannot be read, as claimed. Murakami merely discloses various recording areas on a single surface and not at least two surfaces, while claim 1 requires "refusing, by a drive, to read information from a first surface of an optical medium when required information on a second surface of the optical medium cannot be read." No other art of record satisfy these deficiencies of Murakami. For either or both of these reasons, claim 1 and the claims depending therefrom are believed to be in condition for allowance.

With respect to claim 5, Murakami fails to disclose "a first surface, the first surface having an indication that information on a second surface is required to permit access to content on the first surface; and information on the second surface corresponding to the indication on the first surface." While Murakami discloses an identifier that shows whether information is to be inhibited from outputting to a reproducing device (i.e., prevented from being copied), Murakami fails to disclose an indication that information from one surface is required to permit access to content on another surface in the disk. Murakami fails to even disclose disposing information on different surfaces in a disk, much less an indication that information from one surface is needed to gain access to information from another. No other art of record satisfies these deficiencies of Murakami. For at least these reasons, claim 5 and the claims depending therefrom are believed to be in condition for allowance.

With respect to claim 15, Murakami fails to disclose a drive comprising "a controller, the controller permitting external access to information from a first surface on an optical medium, only when required information can be read on a second surface on the optical medium." As discussed above, Murakami discloses limiting the ability to reproduce information from an optical disk based on control data stored in the disk, but fails to disclose a controller that permits external access only when required information can be read. Furthermore, Murakami fails to disclose that access is permitted to information on a first surface only if the required information is read from a second surface. Murakami discloses

information stored in various designated areas in a single surface of an optical disk. No other references satisfy these deficiencies of Murakami. For at least these reasons, claim 15 is believed to be in condition for allowance.

With respect to claim 16, Murakami fails to disclose a “means for detecting that information on a first surface of an optical medium is required, and means for refusing to permit external access external to information from a second surface of the optical medium, unless the required information on the first surface can be read by the drive.” Murakami discloses limiting the ability to reproduce information based on control data stored in the disk, but fails to disclose a means for refusing to permit external access unless the required information can be read. Additionally, Murakami fails to disclose a means for refusing access to information in one surface unless the required information is read from a second surface- Murakami discloses information stored in various designated areas in a single surface of an optical disk. No other reference satisfies these deficiencies of Murakami. For at least these reasons, claim 16 is believed to be in condition for allowance.

**II. REJECTIONS UNDER 35 U.S.C. § 103(a)
OVER MURAKAMI IN VIEW OF SUH**

With respect to claim 11, as discussed above with respect to claim 5 Murakami fails to disclose “a first surface, the first surface having an indication that information on a second surface is required to permit access to content on the first surface; and information on the second surface corresponding to the indication on the first surface.” Murakami fails to disclose an indication that information from one surface is required to permit access to content on another surface in the disk. Murakami fails to even disclose disposing information on different surfaces in a disk, much less an indication that information from one surface is needed to gain access to information from another.

Suh likewise fails to disclose “a first surface, the first surface having an indication that information on a second surface is required to permit access to content on the first surface; and information on the second surface corresponding to the indication on the first surface.” Suh fails to disclose an indication that

information from one surface is required to permit access to content on another surface in the disk. Suh fails to even disclose disposing information on different surfaces in a disk, much less an indication that information from one surface is needed to gain access to information from another.

No other art of record satisfies these deficiencies of Murakami and Suh. For at least these reasons, claim 11 is believed to be in condition for allowance.


III. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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